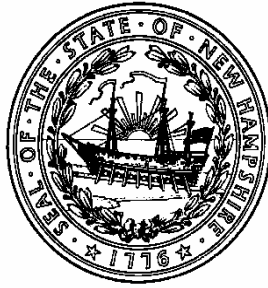
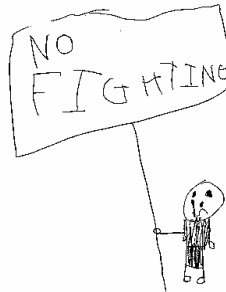


THE STATE OF NEW HAMPSHIRE



GOVERNOR'S COMMISSION  
ON DOMESTIC AND SEXUAL VIOLENCE

**DOMESTIC VIOLENCE**  
FATALITY REVIEW COMMITTEE



THIRD ANNUAL REPORT  
May 2003

May 2003

His Excellency Craig Benson and New Hampshire Citizens:

The Domestic Violence Fatality Review Committee was created by Executive Order of Governor Jeanne Shaheen on July 14, 1999. Governor Shaheen was one of the first governors in the country to recognize the value of interdisciplinary collaboration in working to end domestic violence by supporting a Domestic Violence Fatality Review Committee. We are pleased that Governor Benson continues to support this important work.

The Fatality Review Committee examines domestic violence homicides with two goals:

1. To continue informing the public about the insidious nature of domestic violence and motivating the public to find solutions to end domestic violence; and
2. To identify systemic changes within all the organizations and agencies that work with domestic violence victims, offenders and families to learn new ways of reducing the number of fatalities by better identification of risk factors and improvement in the coordination of services that our State provides.

The Committee is pleased to present Governor Benson and the citizens of New Hampshire with this Third Annual Report. The response to our first two reports has been extraordinary. Numerous organizations, agencies, departments and branches of New Hampshire government have implemented many of the Committee's recommendations. The responses are included in this report, in addition to new recommendations from the cases reviewed over the past year.

The Committee is grateful for the support of all New Hampshire organizations and branches of government as we work together to provide safety in our communities for all New Hampshire children and adults.

Respectfully submitted for the Committee,

Susan B. Carbon, Chair  
Fatality Review Committee

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## DEDICATION

This third Annual Report is dedicated to the victims of domestic violence who lost their lives during 2002. Through this work, we honor their memory and strive to create a safer community.

## **ACKNOWLEDGMENT**

The Committee wishes to thank, once again, Lynda Gilman, Court Monitor of the Grafton County Family Division, for her extraordinary patience and diligence in preparing this Third Annual Report. Her assistance throughout the year is deeply appreciated.

**NEW HAMPSHIRE GOVERNOR'S COMMISSION ON  
DOMESTIC AND SEXUAL VIOLENCE**

**DOMESTIC VIOLENCE FATALITY REVIEW COMMITTEE**

**MISSION STATEMENT**

To reduce domestic violence-related fatalities through systemic multi-disciplinary review of domestic violence fatalities in New Hampshire; through inter-disciplinary training and community-based prevention education; and through data-driven recommendations for legislation and public policy.

**OBJECTIVES**

1. To describe trends and patterns of domestic violence-related fatalities in New Hampshire.
2. To identify high risk factors, current practices, gaps in systemic responses, and barriers to safety in domestic violence situations.
3. To educate the public, policy makers and funders about fatalities due to domestic violence and about strategies for intervention.
4. To recommend policies, practices and services that will encourage collaboration and reduce fatalities due to domestic violence.
5. To improve the sources of domestic violence data collection by developing systems to share information between agencies and offices that work with domestic violence victims.
6. To more effectively facilitate the prevention of domestic violence fatalities through multi-disciplinary collaboration.



**NEW HAMPSHIRE GOVERNOR'S COMMISSION ON  
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## **I. INTRODUCTION**

The Domestic Violence Fatality Review Committee was created by Executive Order of Governor Jeanne Shaheen in July 1999. The Committee has thus been in existence for nearly four years. Two Annual Reports have been issued previously, including nearly 125 recommendations for improved service coordination. The First, Inaugural, Report was issued in June 2001. The Second Report was issued in May 2002.

The Committee's goal from the outset has been to generate annual reports that serve as "revolving documents", intended to be examined and critiqued throughout the year. Over these four years, we have generated recommendations for the many different agencies and organizations that work with domestic violence victims and offenders in an effort to improve our collective response to this significant social and legal problem. In developing recommendations and then seeing to their implementation, new recommendations may be built upon New Hampshire's improved response to domestic violence.

Over the past year, the three branches of government and many individuals, organizations and agencies have continued to implement the Committee's recommendations. This report includes responses to all of the recommendations to last year's report (the Second Annual Report) as well as some supplemental responses to certain recommendations from the First Annual Report. The extent to which these bodies have worked together to provide a safer environment for all our citizens is truly remarkable.

This Third Annual report includes 23 new recommendations from the Committee's review of domestic homicides during its fourth year of operation (2002-2003). We are hopeful that these recommendations will also be considered and implemented over the next year.

## **II. OVERVIEW OF A DOMESTIC VIOLENCE FATALITY REVIEW COMMITTEE**

Domestic violence is one of the most prevalent legal and social problems in the United States. Every year between three and four million women throughout the United States are beaten by their partners (husbands or boyfriends) or ex-partners. When adult women are beaten, frequently children are as well. In approximately 75% of the cases where a couple has children and the female adult is abused, children witness the assaults and are themselves often physically abused.

Domestic violence in its worst, and ultimate, form is homicide. Every year nearly 2,000 people die from domestic violence homicides in the United States, most frequently men causing the death of their female partners. Children are also homicide victims. In over half of all murders of children under 12, parents were the perpetrators. Half of all female homicide victims were killed by their male partners.

Many programs have been developed by victim advocates, law enforcement, courts and other agencies to address this problem. One of the newest programs being developed around the United States, and in other countries including England, France and Australia, is called the "fatality review" process, or Fatality Review Committees.

A fatality review committee is a group of professionals from many different organizations, agencies and branches of government that convenes periodically to review domestic violence homicide (fatality) cases. The theory underlying the fatality review process is that if we are able to understand better why and how a homicide occurred, we can learn important lessons to help prevent future deaths. The core belief underlying the Committee's work is that every death is preventable, and we must work together to make this belief a reality.

## **III. HISTORICAL BACKGROUND**

On July 19, 1999, Governor Jeanne Shaheen created the New Hampshire Domestic Violence Fatality Review Committee. In issuing her Executive Order, she endorsed and encouraged a tradition begun in New Hampshire many years ago of multi-disciplinary collaboration. The Domestic Violence Fatality Review Committee was created as part of the Governor's Commission on Domestic and Sexual Violence, originally created by Governor Stephen Merrill in 1994, to provide systemic review of domestic violence homicides in order to reduce the number of future fatalities.

Approximately two years earlier, a group of representatives from law enforcement, victim services, batterers intervention and the courts was concerned that despite all the good work occurring in New Hampshire, domestic violence fatalities still represented a large portion of our total homicide count. Since 1990, while the total number of homicides has

declined, domestic violence-related homicides comprise approximately 46% of all homicides. The Committee learned of a new program begun in a few jurisdictions around the country, called a Fatality Review Committee, or Death Review Team, which was being promoted as another tool to help prevent domestic violence homicides.

This group approached the Governor's Commission on Domestic and Sexual Violence and sought its endorsement to create a Fatality Review Committee and, having obtained it wholeheartedly, this Committee began its work. Coincidentally, the State Justice Institute, together with the United States Department of Justice and the National Council of Juvenile and Family Court Judges, was planning a First National Conference on Fatality Review, and New Hampshire's group was invited to attend. Upon return, the Committee applied for, and soon thereafter received, a Technical Assistance Grant from the State Justice Institute to augment this work. The grant was awarded in June 1999, and continues in effect at this time. Altogether, the committee to create a Fatality Review Committee spent two years developing its structure, mission statement, objectives, protocol and selection of committee members.

All of this information was presented to Governor Jeanne Shaheen, including a proposed list of committee members. As noted above, the Governor formally established the committee in July 1999. It has continued in existence for nearly four years now.

#### **IV. FATALITY REVIEW IN NEW HAMPSHIRE**

##### **Mission Statement**

The purpose of the Fatality Review Committee is set out in its Mission Statement which reads:

To reduce domestic violence-related fatalities through systemic multi-disciplinary review of domestic violence fatalities in New Hampshire; through inter-disciplinary training and community-based prevention education; and through data-driven recommendations for legislation and public policy.

##### **Objectives**

The Committee has six goals and objectives, as follows:

- (1) To describe trends and patterns of domestic violence-related fatalities in New Hampshire.
- (2) To identify high risk factors, current practices, gaps in systemic responses, and barriers to safety



in domestic violence situations.

- (3) To educate the public, policy makers and funders about fatalities due to domestic violence and about strategies for intervention.
- (4) To recommend policies, practices and services that will encourage collaboration and reduce fatalities due to domestic violence.
- (5) To improve the sources of domestic violence data collection by developing systems to share information between agencies and offices that work with domestic violence victims.
- (6) To more effectively facilitate the prevention of domestic violence fatalities through multi-disciplinary collaboration.

### **Executive Order**

Both the Mission Statement and Objectives have been incorporated into the Governor's Executive Order authorizing the work of this group. (See Appendix A.)

### **Membership**

The Committee has a very broad-based membership, reflective of the many organizations and agencies that work with domestic violence victims, offenders and children. A review of the membership list, included at the beginning of this report, reflects representation from the following: District and Family Courts, local and state law enforcement, victim services (through the Attorney General's Office and Coalition Against Domestic and Sexual Violence), education, health care (medical and mental health), batterers intervention, visitation network, Division for Children, Youth and Families (DCYF), clergy, Employee Assistance Program and others. Attorneys are also represented, including the New Hampshire Bar Association's Domestic Violence Emergency (DOVE) program, prosecutors and defense attorneys. New Hampshire is one of very few jurisdictions in the country that welcomes the defense bar to this discussion. It has been the Committee's belief and experience that domestic violence issues need broad-based perspective, and the goal of homicide prevention is *everyone's* concern.

The Committee which proposed the Fatality Review Committee to Governor Shaheen was also careful to identify individuals within each profession listed above who were personally willing to serve, and who were committed to the goals of the Committee.

The Committee wanted to ensure that individual members would make the time commitment required to provide consistency and continuity to the review process. Much of the first meeting was devoted to each member discussing why he or she had agreed to serve and what each thought he or she could contribute to the process, individually as well as institutionally. Although there have been some replacement of Committee members due to job changes, the Committee has remained remarkably constant in its membership since its inception.

### **Confidentiality Agreement**

Because certain information which is shared at committee meetings is confidential, all members have been asked to sign a Confidentiality Agreement. (See Appendix B.) This ensures that all information shared during the review process will remain confidential and will not be disseminated outside of the Committee. In addition to individual confidentiality agreements, an Inter-agency Agreement has been signed by the heads of the New Hampshire Department of Justice, the New Hampshire Department of Health and Human Services, and the New Hampshire Department of Safety. (See Appendix C.)

### **Structure**

The full Committee meets bi-monthly, on average, to review one or more homicides. In alternating months, the Executive Committee meets to select cases for review, refine recommendations developed by the full Committee, and attend to other administrative matters. The Executive Committee consists of representatives from the courts, law enforcement, victim services, batterer's intervention, the State's Chief Medical Examiner and an Administrative Assistant.

### **Review Process**

The Committee has determined that only closed cases, or murder/suicides, will be reviewed. This ensures that all appeals have expired and thus not affect the ongoing investigation of an active case.

Each case review begins with a report by the Chief Medical Examiner and the law enforcement agency which responded to the scene. These reports provide great detail about the homicide as well as the history of the victim and defendant, and where applicable or relevant, the children. Information is also received from the prosecutor and victim advocate involved with the case. Committee members then report on information from their agencies or organizations. For example, court representatives would report on the existence of any civil protection orders, bail conditions, domestic violence convictions, and other civil and criminal case histories of the parties and their children. The medical representatives would report on any known contact seeking health care for injuries sustained as a result of a domestic violence assault. Following the presentation by all Committee members, the group collectively formulates recommendations for preventing future homicides. Ideas may be

related to the particular case, or may germinate from cross-disciplinary discussion and give rise to ideas which will proactively help prevent domestic violence homicide and other assaults.

## **V. STATE JUSTICE INSTITUTE GRANT**

As noted above, New Hampshire was awarded a Technical Assistance Grant from the State Justice Institute in 1999. The grant has enabled the Committee to consult with and evaluate other teams around the country. The grant has also enabled the Committee to engage Attorney Barbara Hart, widely recognized as one of the nation's leading experts on domestic violence, to serve as a consultant to our Committee. A final report to the State Justice Institute will be completed at the conclusion of the grant in 2003.

## **VI. DATA**

From 1990 through 2002, a total of 259 homicides occurred in New Hampshire; 46% were domestic violence-related. In those 13 years, the number of homicides has ranged from a low of 12 (2002) to a high of 34 (1991). The percentage which are domestic violence-related has ranged from a low of 17% in 1997 to a high of 79% in 2000. The year 2001 saw a significant decrease in domestic violence-related homicides, dropping again to 35%. However, the number of total homicides increased in 2001 to 20, from 14 in 2000. Fortunately the number dropped again to 12 in 2002, the lowest total in 13 years.

**THE STATE OF NEW HAMPSHIRE  
HOMICIDE STATISTICS  
1990 - 12/31/2002**

<b>Year</b>	<b>Total # Homicide</b>	<b>Partners</b>	<b>Family Members</b>	<b>DV Related</b>	<b>Total DV</b>	<b>Total % DV</b>
1990	16	5	3	0	8	50%
1991	34	9	5	2	16	47%
1992	20	7	1	3	11	55%
1993	24	7	1	0	8	33%
1994	18	4	2	2	8	44%
1995	19	5	4	1	10	53%
1996	23	6	5	1	12	52%
1997	24	4	0	0	4	17%
1998	15	6	0	1	7	47%
1999	20	6	5	1	12	60%
2000	14	4	7	0	11	79%
2001	20	3	4	0	7	35%
2002	12	3	1	1	5	42%
<b>Totals</b>	<b>259</b>	<b>69</b>	<b>38</b>	<b>12</b>	<b>119</b>	<b>46%</b>

**Partners** - Homicide where the perpetrator and victim ARE intimate partners (e.g., husband kills wife).

**Family Members** - Homicide where the perpetrator and victim ARE NOT intimate partners but ARE family members (e.g., parent kills child).

**Domestic Violence Related** - Homicide where the perpetrator and victim ARE NOT intimate partners and ARE NOT family members but it is related to domestic violence (e.g., estranged husband kills wife's current intimate partner).

## **VII. SUMMARY OF HOMICIDES WHICH OCCURRED IN 2002**

Independent of the cases reviewed by the Committee for the third report, we felt it useful to include a summary of the domestic violence-related homicides which occurred in calendar year 2002.

As the chart depicts, there were five domestic violence-related homicides in 2002, out of an all-time low of 12 homicides for the year. Of the five domestic violence-related homicides, three were partner homicides, one involved a family member, and one was other domestic violence-related. The five domestic violence-related homicides comprised 42% of the total of 12 homicides in 2002. As compared with the prior calendar year (2001), the total number of homicides decreased significantly, from 20 to 12. However, the percentage of domestic violence-related homicides increased slightly, from 35% to 42%.

In one instance, a single perpetrator killed his wife and a friend nearly simultaneously; hence, five victims and four perpetrators. Additionally, in one instance a child accidentally killed his father while loading a gun, but it was nonetheless ruled a homicide.

### **Age of Victim and Perpetrator**

The victims ranged in ages from 19 to 45. One was 28 and the remaining two were 37. The average age was therefore 33. Of the three partner homicides, the youngest victim was 19 followed by ages 28 and 37.

The perpetrators ranged in age from eight years to 21, 33 and 64. The eldest perpetrator of any domestic violence-partner homicide was 64.

### **Gender of Victim and Perpetrator**

Three of the five victims were male. Two of the partner-victims were female and one was male. Three of the four perpetrators were male. Of the partner-homicides, two cases involved men killing women; one involved a woman killing a man. In no cases did women kill women.

### **County of Death**

Three counties had domestic violence homicides in 2002. Coos County had one, but Hillsborough and Rockingham had two each. One partner homicide occurred in each of the three counties.

### **Weapons Used**

Four of the five of the homicides were committed by use of firearms. In the fifth, a knife was used to stab the victim to death.

### **Partner Homicides**

Of the three partner homicides in 2002, two of the three victims were female, and two of the three perpetrators were male. In only one case had a protective order ever been issued. Two of the cases involved couples living together; one couple had a child in common who is now in state custody. The third couple was married, but the wife had recently separated, obtained a protective order and filed for a divorce shortly before her death.

## **VIII. SUMMARY OF CASES REVIEWED FOR THIRD REPORT**

During its fourth year of operation, the New Hampshire Domestic Violence Fatality Review Committee completed in-depth, analytical studies of four homicides (the cases were reviewed at meetings which occurred between June and December 2002). Two other cases were begun in 2003, but as of publication time, had not been completed. Although only four cases were reviewed, they were involved and complex in scope. While the overall statistical data are in line with domestic violence homicide statistics in general, the facts in these cases were remarkable in comparison and required significant analysis. Working with these cases has allowed for the development of recommendations which are progressive and comprehensive. It is notable that the deaths in these cases occurred between November 1996 and August 2001.

### **Age of Victim and Perpetrator**

The age range of the victims was from age 26 to 45. The other two victims were ages 32 and 38. Thus, the average age for victims was 35.

Similarly, the men ranged in ages from 27 to 40, with the remaining two being ages 37 and 39. Again, the average age was 35.

### **Gender of Victim and Perpetrator**

Unlike the homicides which occurred in calendar year 2002, the cases that we reviewed involved all female victims and all male perpetrators.

### **Relationship Between Victim and Perpetrator**

Quite startling was the fact that in all four cases, the parties had recently separated or divorced. In one case, the couple had just separated two weeks before the homicide. In two cases, the period of separation was somewhat longer, and in the fourth case, the parties had been divorced one week prior. This reinforces the fact that the time of leaving a relationship can indeed be the most lethal. This is the time of separation and a time of a victim exerting independence, seeking to extricate herself from the control of the perpetrator. The perpetrator's commission of homicide is, quite literally, often the last act of control that may be exercised over a victim.

Additionally, in two of the four cases, domestic violence orders were currently in effect and hearings were scheduled on violations which had occurred.

### **County Location of Homicides/Suicides**

Two of the four homicides occurred in Hillsborough County, while one each occurred in Grafton and Strafford Counties.

### **Cause or Manner of Death**

In three of the four homicides, perpetrators used firearms. One case involved a shotgun and two were handguns. Of those homicides, two of the perpetrators committed suicide with firearms shortly after killing the victims. In a third case, the perpetrator committed suicide by hanging while in prison. In the fourth instance, the perpetrator set the home on fire and both died from smoke inhalation.

## **IX. RECOMMENDATIONS FROM 2002-2003**

The following recommendations were developed as a result of the case reviews conducted during the 2002/2003 work-year of the Committee. We hope the relevant professions and agencies give as careful and thoughtful consideration to these recommendations as they have with the recommendations issued in the First and Second Annual Reports.

### **SYSTEM-WIDE RECOMMENDATIONS:**

- (1) A community education campaign should be developed to increase the awareness of the enhanced risk to a victim's safety when he or she attempts to leave an abusive partner.

**Comment:** The Committee believes it is important to educate the general public that the time of greatest risk of lethality for a victim is when he or she is leaving or attempting to leave an abusive partner. The public should have information about the variety of professional and community services that are available to help ensure the victim's safety at the time of separation.

### **CORPORATE CITIZENSHIP INITIATIVE:**

- (1) The Corporate Citizenship Initiative should support domestic violence workplace initiatives among private sector employers.
- (2) Outreach campaigns addressing depression should be created, including the production of



Public Service Announcements dealing specifically with suicide and depression.

Outreach efforts could also be made through workers' compensation literature, unemployment offices, mental health service providers and through the Behavioral Health Network. The campaigns should emphasize the risk of suffering from depression during work-related layoffs and when loss of employment occurs through injury and/or disability.

**COURTS:**

- (1) The Alternative Dispute Resolution (ADR) portion of the Child Impact Program (CIP), required of all parties who are involved in divorce or child custody proceedings, should include educational information on domestic violence and the stresses of separation and divorce to help the parties be better prepared for the emotional turmoil that is likely to occur.
- (2) All courts having jurisdiction over marital actions should routinely inform the parties of the availability of law enforcement civil standby functions when personal property is being transferred.

**Comment:** Even when a domestic violence protective order has not been sought, the time of final separation can be intensely stressful for all parties. It may be helpful as a preventive measure to have a law enforcement civil standby available when the parties undertake the final distribution of their personal property pursuant to a Decree of Divorce.

**DEPARTMENT OF SAFETY:**

- (1) Gun dealers should notify local law enforcement when gun or ammunition purchase requests have been declined.
- (2) Gun dealers should post signs concerning gun laws and warnings in prominent places.
- (3) Gun dealers should attend trainings regarding threat assessment.

**Comment:** There was a lot of discussion around the recommendations involving gun sales and gun dealers. A suggestion was made that insurance discounts be afforded those gun dealers who attend trainings and post warning signs. The general discussion focused on ways to encourage gun dealers to become proactive in assessing the potential threat posed by the gun purchaser. It was noted that in some instances a perpetrator attempted unsuccessfully two or more

times to purchase a gun and this information was never conveyed to law enforcement. However, it was also noted that the issues surrounding gun sales are sensitive and that placing more restrictions and conditions on gun dealers would not be received favorably due to the increased liability involved.

#### **EMPLOYEE ASSISTANCE:**

- (1) Outreach campaigns addressing depression should be created, including the production of Public Service Announcements dealing specifically with suicide and depression. Outreach efforts could also be made through workers' compensation literature, unemployment offices, mental health service providers and through the Behavioral Health Network. The campaigns should emphasize the risk of suffering from depression during work-related layoffs and when loss of employment occurs through injury and/or disability.

#### **LAW ENFORCEMENT:**

- (1) A statewide unit or agency should be created specifically to track protective orders and prosecute violations.

**Comment:** It was also suggested that a study be done to see how many violation of protective order charges are outstanding statewide at any given point time. The purpose of this study would be, in part, to provide data supporting the funding of such a unit.

- (2) Active arrest warrants should be placed "online" and be accessible through an existing database.
- (3) Victims should be routinely updated on the status of bail and bail conditions set on their perpetrator (similar to the VINE program).
- (4) Gun dealers should notify local law enforcement when gun or ammunition purchase requests have been declined.
- (5) Gun dealers should post signs concerning gun laws and warnings in prominent places.
- (6) Gun dealers should attend trainings regarding threat assessment.

**Comment:** There was a lot of discussion around the recommendations involving gun sales and gun dealers. A suggestion was made that insurance discounts be afforded those gun dealers who attend trainings and post warning signs. The general discussion focused on

ways to encourage gun dealers to become proactive in assessing the potential threat posed by the gun purchaser. It was noted that in some instances a perpetrator attempted unsuccessfully two or more times to purchase a gun and this information was never conveyed to law enforcement. However, it was also noted that the issues surrounding gun sales are sensitive and that placing more restrictions and conditions on gun dealers would not be received favorably due to the increased liability involved.

### **LEGISLATURE:**

- (1) New Hampshire should adopt legislation that would require all gun sales to go through licensed gun dealers so that background checks would be done routinely.

**Comment:** The Committee is concerned about the number of sales which occur for which no background check is undertaken, thus enabling those who would otherwise be prohibited from purchasing firearms to have access to them.

- (2) Funding should be provided to create a statewide data-base/depository for Bail Orders which could be accessed at all times by law enforcement agencies (similar to the DVP database, SPOTS, NCIC, etc.).

**Comment:** The discussion around this recommendation also included the possibility of creating an interstate bail order database so that persons traveling outside of the state could be violated for breaching conditions.

### **MENTAL HEALTH:**

- (1) Outreach campaigns addressing depression should be created, including the production of Public Service Announcements dealing specifically with suicide and depression. Outreach efforts could also be made through workers' compensation literature, unemployment offices, mental health service providers and through the Behavioral Health Network. The campaigns should emphasize the risk of suffering from depression during work-related layoffs and when loss of employment occurs through injury and/or disability.

## **NEW HAMPSHIRE BAR ASSOCIATION:**

- (1) The Board of Governors of the New Hampshire Bar Association should revisit the concept of developing a domestic violence protocol for attorneys. Among other things, the protocol should include an assessment and screening tool for attorneys to use with clients as a means of offering guidance, referrals and resources where appropriate. The emphasis should be on providing assistance to the client and not be intended to invade the client's privacy, nor would it be used in any way as a reporting tool or in any manner that would compromise the ethical considerations of the attorney/client relationship. The Protocol Committee of the Governor's Commission on Domestic and Sexual Violence should work with the Board of Governors of the New Hampshire Bar Association on this issue.

**Comment:** The Board of Governors rejected the concept of adoption of a protocol a number of years ago out of concern that they were creating affirmative obligations for their members for which malpractice claims might be initiated if they failed to adhere to the guidelines. The Committee notes that the American Bar Association has developed protocols and has encouraged all attorneys to follow a reasonable protocol. Virtually all other professions in New Hampshire have adopted a domestic violence protocol. The Bar is a significant institution that, through its members, works with victims of domestic violence. The Committee believes that this profession should be aware of the impact of domestic violence in all the myriad subject matter areas that victims may seek legal assistance.

- (2) The New Hampshire Bar Association should use existing Bar resources and media to provide continuing education and communication around domestic violence issues such as: (a) the curriculum of the New Lawyer Training Program (offered twice each year); (b) CLE programs; (c) Bar News; (d) Family Law Section of the New Hampshire Bar Association; and (e) including one or more questions on the State Bar Examination.

**Comment:** Information dispensed to attorneys could include topics such as the psychodynamics of divorce, risk factors in identifying domestic violence (i.e., the perpetrator may not always have a known history of domestic violence and may be noticeably depressed rather than noticeably aggressive or angry), and options and resources available to parties in divorce actions (i.e., using law enforcement

agencies to assist in transferring property through the civil standby process).

- (3) Attorneys practicing family law cases should ensure that their clients understand the differences between domestic violence protective orders issued under RSA 173-B and civil restraining orders issued under RSA 458 in marital actions, and be very careful in explaining such differences to clients who have been abused before recommending that they stipulate out of the RSA 173-B action because of the very important and different protections it affords to the abused party.
- (4) The protocols drafted by the New Hampshire Bar Association approximately 10 years ago entitled Aspiration of Goals in Litigation should be reviewed and revisited by the Bar.

#### **NEW HAMPSHIRE LEGAL ASSISTANCE**

- (1) New Hampshire Legal Assistance should revise the informational brochure on domestic violence to explain the differences between domestic violence protective orders issued under RSA 173-B and restraining orders issued under RSA 458.

## **X. RESPONSES TO RECOMMENDATIONS FROM 2001-2002** **[Recommendations contained in the Second Annual Report]**

Approximately two dozen recommendations were developed as a result of the cases reviewed during the 2001/2002 Committee year. As we did last year, the Committee this spring (2003) surveyed the respective organizations indicated below to see how they had implemented these recommendations. The responses follow in bold italics. The Committee is gratified that its work continues to have a positive impact in New Hampshire.

### **SYSTEM-WIDE RECOMMENDATIONS**

- (1) Professionals, such as advocates and mental health counselors, who work with victims of domestic violence should become familiar with the use of compromising and/or pornographic material of the victim created by the perpetrator to exert control over the victim. In particular, crisis center advocates should discuss use of such material with victim.

**Comment:** The purpose of such counseling would be to make it clear that this type of controlling behavior in and of itself (with or without physical violence or aggression) is indicative of increased danger to the victim. Screening for such controlling behaviors helps in evaluating risk.

**RESPONSE:** *Partly in response to this recommendation, as well as other fatality review cases, the Governor's Commission on Domestic and Sexual Violence is creating a sub-committee on Mental Health Issues and Practice. One of the first tasks for this committee will be to outreach to mental health practitioners on issues of domestic violence, including the use of compromising and/or pornographic material of the victim in order to exert control. For crisis centers, this is part of the intensive training given to advocates, but will now be highlighted, especially regarding use of the Internet.*

### **COALITION AGAINST DOMESTIC AND SEXUAL VIOLENCE**

- (1) The Coalition should increase the distribution of its pamphlets and other literature. For example, the Coalition should send copies of each pamphlet to members of the

Governor's Commission on Domestic and Sexual Violence and the Fatality Review Committee, together with order forms, to help increase the use of these brochures.

**Comment:** The Coalition has excellent resources and information already available, such as the "Is this Love?" pamphlet, which could be tapped by more agencies and service providers to "get the word out".

**RESPONSE:** *Packets including a sample of each brochure and order forms were mailed out to the Commission and Committee. Many requests have been filled. The Committee members have been added to the database and should receive order forms during our mailings.*

- (2) The New Hampshire Coalition is encouraged, through their local crisis centers, to establish booths at state, county and local fairs (such as agricultural or craft fairs). The purpose would be to disseminate literature on domestic violence and information about available resources.

**Comment:** This is particularly important in rural parts of the State to reach citizens who may otherwise not have access to this information.

**Comment:** Local crisis centers are encouraged to work with local police departments and their domestic violence coordinating councils, and other local organizations, in staffing such booths.

**RESPONSE:** *The directors of the participating crisis center members of the Coalition discussed this recommendation. Many already attend their local fairs whenever possible. Resources are an issue and in some communities, coordinating councils are not operational and volunteer time is needed for direct services. Other volunteer sources are being investigated.*

## **COURTS**

- (1) The Child Impact Program (CIP) should include a component addressing the risks of separation when there has been violence in a relationship.

**Comment:** At a minimum, crisis center brochures should be available at all CIP sessions.

**RESPONSE:** *Behavioral Health Network reports that all providers will be receiving new "parent handout materials" within the month. As part of this packet, each provider is being asked to distribute LOCAL DV support services information and materials. In addition, Behavioral Health Network confirms that most, if not all, presenters address domestic violence issues. It should be*

*noted, however, that in some instances the parents have already separated and are living apart by the time they attend a CIP program. Therefore, it may be too late to warn or emphasize the dangers of leaving an abusive partner within the CIP program. Nevertheless, Behavioral Health Network assures that they are trying to address domestic violence issues in a more uniform and consistent manner among the various providers, keeping in mind the recommendation of the Fatality Review Committee.*

## **CRISIS CENTERS**

- (1) The Department of Safety and the New Hampshire Coalition Against Domestic and Sexual Violence should develop a system for assisting victims whose partners are law enforcement personnel.

**Comment:** The purpose of this recommendation is to ensure that victims whose partners are involved with law enforcement know that they have a neutral forum in which to seek help. Because of an abuser's relationship with law enforcement, a victim may not believe that contacting law enforcement could be of help. This service would work in conjunction with services already provided by local crisis centers.

**RESPONSE:** *The crisis centers can be a neutral advocacy group for victims whose spouses are part of law enforcement. The problem is to make sure this information is available to that population. Troopers and their spouses have access to the State Employee Assistance Program, which refers to crisis centers for domestic abuse. Police Standards and Training covers this topic, including the special obstacles for victims of domestic violence whose spouses are in law enforcement, the special safety issues and the impact of reporting domestic violence under these circumstances. Protocols on the appropriate way to deal with this problem are recommended for local police departments. A model protocol is available. Additionally, this topic will be the subject of a training seminar at the 2003 Annual Conference on Domestic and Sexual Violence.*

- (2) Professionals, such as advocates and mental health counselors, who work with victims of domestic violence should become familiar with the use of compromising and/or pornographic material of the victim created by the perpetrator to exert control over the victim. In particular, crisis center advocates should discuss use of such material with victim.



**Comment:** The purpose of such counseling would be to make it clear that this type of controlling behavior in and of itself (with or without physical violence or aggression) is indicative of increased danger to the victim. Screening for such controlling behaviors helps in evaluating risk.

**RESPONSE:** *This is part of the intensive training given to advocates at crisis centers, but will now be highlighted, especially regarding use of the internet. A bill, HB 288-FN, was introduced in this year's legislative session to impose a criminal penalty (class A misdemeanor) for the dissemination of certain materials without consent. This bill would require specific consent to show videos or photographs of sexual material involving a party, without that party's express consent.*

## **DEPARTMENT OF EDUCATION**

- (1) The Department of Education should require all school districts to incorporate instruction for middle and high school students about the dynamics of domestic violence, signs of abuse and resources available.

**Comment:** The Department of Education is encouraged to take a proactive approach to establishing a respectful atmosphere in schools and training teachers on classroom management as part of an effort to facilitate educating students about domestic violence and healthy relationships. The Safe Schools program may have funds available to assist in this process. Schools could incorporate instructional goals that address these areas into different curricula that already exist, such as health curriculum, conflict resolution curriculum, or social studies curriculum.

- (2) The Department of Education should explore and make available the panoply of domestic violence resources and then require that each school district develop a plan or policy on how it will use the resources to address domestic violence.

**Comment:** The Department of Education is encouraged to work with the New Hampshire Coalition and the Public Education Committee of the Governor's Commission to identify resources, and encourage local school districts to work with their local crisis centers and police on implementing the selected programs.

- (3) All victims of domestic violence in a school setting should be referred to the local crisis center. In addition to the mandatory reporting laws, schools should also make

direct contact with the crisis centers. Crisis centers are encouraged to make immediate contact with the victim.

**Comment:** Any abuse of an individual under the age of 18 or of an incapacitated adult age 18 or over invokes New Hampshire's mandatory reporting laws. School safety should always be ensured.

- (4) It is important that school guidance counselors receive training on domestic violence, since they are often the first point of contact for students involved in dating violence or family violence situations.

**RESPONSE TO ALL FOUR RECOMMENDATIONS:** *The Department of Education's guidance and counseling consultant, Marianne Gfroerer, has been most supportive of and helpful in implementing the Committee's recommendations. The following action steps have been taken:*

- a) *The Department of Education included a large amount of information in its mailing to 900 guidance counselors throughout the state. Marianne Gfroerer let counselors know how they can obtain additional resources for their schools.*
- b) *The Department of Education sent the education protocol to all guidance counselors in the state and urged counselors to become familiar with and use the protocol when confronted with a domestic violence issue.*
- c) *The Department of Education was planning to give an in-service for counselors last spring but became aware that the state professional organization has a professional development plan. Dr. Rath will follow up with the President of this organization to urge that domestic violence be a topic in their schedule for counselor training.*
- d) *The Department of Education is currently in the process of reviewing and revising the requirements for certifying guidance counselors in New Hampshire. Marianne Gfroerer invited Dr. Rath to send a request to the Committee urging them to incorporate knowledge of domestic violence issues and appropriate responses and referrals into the new certification requirements, which has been done.*

## **DEPARTMENT OF SAFETY**

- (1) Consideration should be given to requiring all teens to complete a teen dating violence prevention program before being permitted to apply for a driver's license. The curriculum should be approved by the Governor's Commission on Domestic and Sexual Violence.

**Comment:** Such a program could be operated in much the same way as the Child Impact Program utilized in the Family Division and Superior Court for parties with children who are separating or divorcing. The State determines the curriculum, but the actual programs are run on a fee-for-service basis. The individuals who take the course are required to pay the fee.

**RESPONSE:** *On exploring this recommendation further, several concerns arose. The first was the financial piece. There is resistance on the part of the Department of Safety to impose financial obstacles to receiving a driver's license. There are also no personnel at the Department of Safety to develop a curriculum. As a result of studying the problem, the suggestion is to direct this to the Public Education Committee of the Governor's Commission on Domestic and Sexual Violence. They have the capacity for obtaining a grant for planning, curriculum development, and implementation.*

## **ELDERLY AND ADULT SERVICES**

- (1) Elderly and Adult Services should develop a list of their affiliated service providers and task them to disseminate domestic violence informational material as part of an effort to reach out to the older population.

**RESPONSE:** *In reviewing this recommendation, it was decided that the Division of Elderly and Adult Services (DEAS) should consider the possibility of expanding the category of "affiliated service providers" to include other entities that relate to the older population, including advocacy groups, associations, and committees. It was determined that such an expansion would provide the opportunity for a wider dissemination of domestic violence information that could be available to victims, potential victims, family members, friends and the general public, as well as heighten the awareness of the numerous organizations with whom they interact. DEAS has created a number of different mailing lists*

*that group its affiliated service providers and other related agencies and organizations by their service and/or relationship to the Division. The different lists have been made available for the purpose of addressing this recommendation, and DEAS will proceed by compiling and sending packages of domestic violence information, including information specific to this age group.*

- (2) Elderly and Adult Services should work with the New Hampshire Coalition to identify existing domestic violence materials, programs and speakers to expand their outreach efforts.

**Comment:** Elderly and Adult Services is encouraged to explore whether the TRIAD Program could be brought to New Hampshire.

**RESPONSE:** *There has been increased collaboration between the two agencies during the last year to address the recommended activities, as well as to undertake additional endeavors to meet the goal to expand outreach efforts. The review of existing materials is continuing, during which sharing of relevant resources has occurred. The Coalition had previously developed an informative brochure relative to elder abuse and domestic violence, and offered DEAS the opportunity to add/revise the content to be more useful to this population. DEAS requested minor changes, which were made, and the Coalition remains open to future modifications, as well as the provision of assistance in future brochure development.*

*DEAS and the Coalition have met regularly, and have planned for/initiated presentations relative to programs, roles and responsibilities for internal staff as well as external parties. Collaboration between local DEAS staff and crisis center staff has been encouraged and supported.*

*The Coalition has also joined with DEAS in an effort to identify barriers and/or service gaps for the elderly and disabled adult population as regards domestic violence resources, in order to develop strategies to address unmet needs. As a first step, Gina Grappone, the Coalition liaison with DEAS, has created a survey to be completed statewide by local domestic violence staff, an endeavor supported by the Victim Services Committee which has included adult and elder issues on its regular agenda.*

*Regarding the Comment, DEAS is in process of requesting information from other states and adult protective services programs as to whether they are operating TRIAD Programs in*

*their areas, and if so, copies of these programs for review and adaptation feasibility in New Hampshire.*

*It is expected that the collaboration between DEAS and the Coalition will be ongoing, and that the agencies will continue to work together to identify and address mutual concerns.*

#### **EMPLOYEE ASSISTANCE PROGRAMS**

- (1) Employers should create a policy designed to assist employees who have concerns that a co-worker has a problem or potential problem with addictions. Additionally, all employers should have policies in place for addressing employees with addiction problems that impact their work performance and may be a risk factor for domestic violence.

**RESPONSE:** *No information was available on this recommendation.*

#### **GOVERNOR'S COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE**

- (1) The Public Education Committee of the Governor's Commission should develop public service announcements on domestic violence and include one which addresses emotional abuse as a significant part of domestic violence.

**RESPONSE:** *The Public Education Committee received a Family Violence Prevention and Services Act (FVPSA) grant from the U.S. Department of Health and Human Services to fund the New Hampshire Teen Dating Violence Public Awareness and Prevention Project. The goal of the project is to raise general public awareness about violence in young people's intimate relationships, while providing information and support to victims and their friends. Components include television and radio PSAs, a website ([www.reachoutnh.com](http://www.reachoutnh.com)), an Educator's guide on addressing teen dating violence, posters, trading cards and other informational materials.*

- (2) The Governor's Commission should work with the Department of Transportation to enable domestic violence informational brochures to be disseminated at the tourist information booths around the State, and specifically in the restrooms at those booths as well.

- (3) The Governor's Commission should work with the Liquor Commission to enable domestic violence informational brochures to be distributed at all of the State Liquor Stores.

**Comment:** A new campaign slogan could be the following: "Hitting the bottle does not mean you can hit your partner."

**RESPONSE TO RECOMMENDATIONS (2) & (3):** *The Governor's Commission has identified its top three priorities, the first one being to "enhance public awareness of domestic and sexual violence, effective community responses and services for victims through a targeted public education campaign." As a part of this campaign, the Commission, along with the assistance of the new Attorney General, will contact both the New Hampshire Department of Transportation and the Liquor Commission to involve them in this project.*

## **LAW ENFORCEMENT**

- (1) All candidates for law enforcement officer positions should participate in comprehensive background investigations. Police agencies should share such information with subsequent employers. Waivers for sharing this information should be executed at the time of employment.

**RESPONSE:** *HB 410 should sufficiently address the concerns of this recommendation. The published analysis of House Bill 410 is as follows:*

*"This bill establishes requirements for disclosure of information by current or former employers for purposes of background investigations conducted by criminal justice agencies of applicants for police, corrections, and security employment. The bill grants limited immunity to employers, the director of the police standards and training council, and criminal justice agencies for disclosure of employment or criminal history information. This bill was requested by the police standards and training council."*

*If this bill were to pass, it would become effective on January 1, 2004.*

- (2) Training for law enforcement personnel should include a regular component on stress management. Furthermore, continuing education programs and training on stress management should be made readily available and accessible to both officers

and their families.

**RESPONSE:** *The New Hampshire Police Standards and Training Academy provides training in stress management to its recruit academy and in its in-service training. The course, “Mental & Physical Wellness,” offered at least twice each year, discusses how to deal and cope with stress and still function as an effective police officer. It also includes discussion of burnout, self-motivation, and coping methods. Also, courses are available through respective EAP.*

- (3) When available, law enforcement agencies should encourage access to, and use of, EAP programs.

**RESPONSE:** *Through EAP training and most department policies, the use of EAP by employees has always been encouraged.*

- (4) All law enforcement agencies are encouraged to adopt the model policies promulgated by the New Hampshire Police Standards and Training Council for addressing officers who have civil protection orders issued against them and for handling complaints relative to domestic violence. Specific issues that should be addressed in each department's policies include assignment of duties and access to firearms.

**RESPONSE:** *The “MODEL FOR POLICE RESPONSE TO DOMESTIC VIOLENCE CASES” will be introduced at the Domestic Violence and Sexual Abuse Conference in May 2003. A presenter from the International Association of Chiefs of Police will also present at the conference on this specific issue.*

- (5) The Department of Safety and the New Hampshire Coalition Against Domestic and Sexual Violence should develop a system for assisting victims whose partners are law enforcement personnel.

**Comment:** The purpose of this recommendation is to ensure that victims whose partners are involved with law enforcement know that they have a neutral forum in which to seek help. Because of an abuser's relationship with law enforcement, a victim may not believe that contacting law enforcement could be of help. This service would work in conjunction with services already provided by local crisis centers.

**RESPONSE:** *Troopers and their spouses have access to the State Employee Assistance Program, which refers to crisis centers for*

*domestic abuse. Police Standards and Training covers this topic including the special obstacles for victims of domestic violence whose spouses are in law enforcement, the special safety issues and the impact of reporting domestic violence under these circumstances. Protocols on the appropriate way to deal with this problem are recommended for local police departments. A model protocol is available.*

*The Department of Safety also provides annual training on the issue of law enforcement as batterers. In the training the instructor covers the various resources available to law enforcement spouses, lethality assessment, law enforcement spouses are to be treated like any other victim of domestic violence, and the difficulties of law enforcement spouses reporting to law enforcement.*

## **LEGISLATION**

- (1) Concealed gun permit applications should be public documents and should be made available for statewide access.

**Comment:** A procedure could be developed by the New Hampshire Interoperability Project. The Project could also develop a procedure for sharing information about concealed gun permits to other law enforcement agencies throughout the State.

**RESPONSE:** *RSA 159:6 reads as follows: Confidentiality of Licenses. Notwithstanding the provisions of RSA 91-A:4 or any other provision of law to the contrary, all papers and records, including applications, pertaining to the issuance of licenses pursuant to RSA 159:6 and all licenses issued pursuant to said section ARE SUBJECT TO INSPECTION ONLY BY LAW ENFORCEMENT OFFICIALS OF THE STATE or any political subdivision thereof or of the federal government while in the performance of official duties or upon written consent, FOR GOOD CAUSE SHOWN, of the superior court in the county where said license was issued.*

*In researching this recommendation, we realized there were statutes already in place that specifically exclude public access to license information. There may also be constitutional implications, both federal and state. Looking at the current composition of the legislature, it is unlikely that such an endeavor would meet with success.*



## **XI. SUPPLEMENTAL RESPONSES TO RECOMMENDATIONS DEVELOPED BETWEEN 1999 AND 2001**

### **[RECOMMENDATIONS CONTAINED IN THE FIRST ANNUAL REPORT (THE INAUGURAL REPORT) DATED JUNE 2001 DEVELOPED DURING 2002-2003]**

The Committee generated nearly 100 recommendations in its first two years, all of which were published in the Inaugural Report. Last year (May 2002), we reported on the system responses to these recommendations, indicating those which had been implemented and the manner in which they had been incorporated, but also noted that some had not yet been addressed.

In the Spring of 2003, the Committee was asked to review these latter recommendations to see if any progress had been made. What follows are supplemental responses to these particular recommendations. The entire list of recommendations is not reprinted, due to the length of the text. Interested readers are referred to the earlier reports which may be obtained from the Committee Chair.

The Supplemental (2003) Responses will be noted following the original recommendation and any comment, and the responses contained in last year's report (the Second Annual Report). They will be identified by the phrase, "2003 Status".

### **COURTS**

- (1) Victim advocates should be available in all courts to help victims in civil and criminal matters pertaining to domestic violence.

**RESPONSE:** *The AmeriCorps Victim Assistance Program would be the most likely way to achieve this goal. They increased their numbers by a third last year and look forward to another increase this year. Currently there are 12 crisis center advocates doing court work and four prosecution victim witness advocates. Crisis centers try to back up the AmeriCorps volunteers with center staff or volunteers to give the maximum court coverage possible. The Attorney General's office is soliciting grant requests from local law enforcement to increase the availability of victim/witness advocates to local prosecutors.*

**2003 STATUS:** The Attorney General's office solicited grant requests from local law enforcement; however, a match was required in order to ensure sustainability, rendering the process unfeasible due to lack of funds at the local level.

- (2) Prior to the expiration of a final domestic violence protection order, a notice should be sent by the Court to both parties informing them of the pending expiration, and advising the Plaintiff of the renewal procedure and the Defendant of the provision for a hearing on a request for renewal.

**Comment:** If advocates were based in courts, they could assume these responsibilities.

**RESPONSE:** *The District Court Protocol is being rewritten. This recommendation of notifying the parties prior to the expiration of the protective order will be included in the updated protocol (Chapter 9).*

**2003 STATUS:** The recommendation of notifying victims and defendants when a civil protection order is about to expire was included in the District Court Protocols when they were revised in 2002. A letter has been drafted for use by all District Courts and Family Division locations to prompt victims and defendants when the civil protection orders are about to expire. The Administrative Office of the Courts is working to integrate this into the SUSTAIN system so that it will become an automatic prompt.

- (4) Courts with jurisdiction over domestic violence and juvenile cases need to identify those juvenile cases which should remain in open status and encourage feedback and recommendations regarding those cases from specialized professionals. Courts should then assign judges to these cases who have been trained and are part of a specialized team of judges.

**Comment:** Typically a case involving child abuse or neglect will remain open for approximately one year until a hearing is conducted on the child's permanent placement, and then close soon thereafter. The intent of this recommendation is to deviate from this general procedure and intentionally keep the case open to ensure that a child receives on-going monitoring and assistance, since often the impact of a domestic violence-related fatality will continue for years.

**RESPONSE:** *The Committee believes that the recommendation should be rewritten as follows, and has adopted the following language:*

*Where there has been a domestic violence fatality and child abuse or neglect within the same family, the Court should consider retaining jurisdiction of the juvenile proceeding until such time as the juvenile turns 18 years of age, if needed, in order that services may be provided to assist the juvenile in dealing with the parent's death. Courts should then assign judges to these cases who have been trained and are part of a specialized team of judges.*

**Explanation:** *The Committee felt that the recommendation should be rewritten to reflect a clearer intent of the Committee, namely that we were looking at cases where there had been a domestic violence fatality and case of child abuse and neglect within the same family. The recommendation as previously drafted was unclear and hence overbroad.*

**RESPONSE:** *The Court Improvement Project Protocol should be amended to address these very few, unique cases. This recommendation will be transmitted to Attorney Kristin Lamont, the Permanency Planning Coordinator responsible for the CIP Protocols.*

**2003 STATUS:** **This recommendation has been integrated into the Court Improvement Project Permanency Planning Protocols that were distributed in final form in April 2003.**

- (5) Courts need to develop a policy and procedure for contacting school districts in domestic violence cases, for two reasons:
- (a) to let the school counselor know of the child's status relative to the domestic violence case; and
  - (b) parental access to a child may be limited by a domestic violence protective order, or possibly also conditions of bail.

**Comment:** It will be important that this information be restricted to selected individuals in a school, to prevent such information from becoming more widely known than necessary. The procedure will require careful consideration due to confidentiality concerns.

**RESPONSE:** *Developing a policy and procedure between the courts and schools is a most important, yet delicate, issue. There has not been a sufficient opportunity to develop such an important policy. A small focus group/work group should be assembled to develop a model policy. Work group members might include Dr. Rath, Linda*

*Griebsch, Nancy Rollins, Kevin Eckerman, Betsy Paine, Bernard Bluhm and Judge Carbon.*

**2003 STATUS:** No progress has been made on this recommendation yet. The recommendation will be forwarded to the Grafton County Greenbook Project to see if they can address it as part of their interdisciplinary goals to ensure protection for families experiencing both domestic violence and child abuse.

- (12) An informational brochure should be developed to distribute to victims at the time they file requests to withdraw protective orders. This brochure would address various safety issues to consider before filing the request.

**RESPONSE:** *The importance of an informational brochure cannot be overstated. There has simply not been enough time to prepare such a brochure, given the primary focus on completing the updated protocols.*

**2003 STATUS:** An informational brochure was prepared and is now available in all courts. However, a decision was made not to include information about withdrawal of orders, given the limited space available and the higher priority of other information. It is hoped that advocates can discuss this issue with victims.

## **DISTRICT COURTS**

- (8) A procedure should be developed by the courts in conjunction with the U.S. Attorney's Office and the New Hampshire Attorney General's Office to enable District and Superior Court judges to make appropriate findings at the conclusion of qualifying misdemeanor and felony trials as to the applicability of the federal firearms ban.

NOTE: Such a procedure is under development and testing in the District Court.

**Comment:** Pursuant to 18 U.S.C. 922(g)(9), a person is subject to a lifetime ban on weapons possession if they are convicted of a qualifying misdemeanor crime of domestic violence which is defined as an offense:

- A. which contains an element of physical force, attempted physical force, or threatened use of a deadly weapon;
- B. which is against an intimate partner; and

C. for which they are entitled to counsel and jury trial.

**RESPONSE:** *The District Courts have initiated conversations with the Assistant U.S. Attorney for the District of New Hampshire, and with the VAWA Point of Contact as well. Such a procedure is under consideration at the present time. It is hoped that a procedure may be developed within the next several months. It is also hoped that a bail registry may be able to be developed, as well as a method of identifying those cases which are considered "qualifying misdemeanor crimes of domestic violence" under federal law, for which convictions subject persons to a lifetime ban against possession or ownership of firearms.*

**2003 STATUS:** Nothing has occurred with this recommendation. The Office of the U.S. Attorney is reluctant to have anyone designate a particular offense as domestic violence-related out of concern that it might jeopardize their prosecutorial options.

#### **FAITH COMMUNITY**

- (1) The faith community should become thoroughly familiar with the domestic violence protocol prepared by the Governor's Commission on Domestic and Sexual Violence.

**RESPONSE:** *A group of clergy and parishioners have been meeting and have agreed to revise the protocol for the faith-based community response to domestic violence.*

**2003 STATUS:** It appears that there is no one working on revising the domestic violence protocols for the faith-based community. The revision of these protocols, their dissemination and continuing education is a crucial task.

- (2) The faith community should be provided with education about domestic violence so that they can better identify possible victims who could benefit from being referred to other organizations and agencies (victim service agencies and courts, as examples) for services.

**RESPONSE:** *The New Hampshire Coalition Against Domestic and Sexual Violence has been engaged in a cross training collaboration with the New Hampshire Council of Churches for the past two years. They held a one-day, cross training program in November 2001, and a group of participants committed to work together to revise the Clergy Protocol that was created by the Commission several years ago. Because the turnout for the program in November was poor, they are seeking federal funding for an in-depth training program to be implemented on the local level. This program would fund crisis center advocates to train local faith-based communities. Whether or not the funding is received, the Coalition and Council of Churches are committed to work together to improve the clergy response to domestic violence.*

**2003 STATUS:** Federal funding was not obtained and no one, at present, is working on faith-based programs to train local faith-based communities.

- (3) Regular training about domestic violence for members of the faith community should be encouraged. For example, concerted efforts should be made to invite clergy to the annual domestic violence conferences.

**RESPONSE:** *The Reverends Mary Westfall and Jim Norman presented a workshop at the annual Domestic Violence Conference in June 2001. More work is needed in this area.*

**2003 STATUS:** The Committee is not aware of anyone conducting this training, at least inter-denominationally. There may be individual denominations providing training in this and other related issues, such as boundary issues, sexuality and clergy abuse.

## **GOVERNOR'S COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE**

### **Recommendations on Elderly Issues**

- (2) The Commission needs to provide more outreach to elderly citizens about domestic violence. Many harbor the view that domestic violence is a private matter, and/or that if the system was not helpful 50 years ago, it will not be helpful today.

**Comment:** Possible ways to reach the elderly citizen audience include notices with Medicaid payments, notices at pharmacies and physicians'

offices, and an article in American Association of Retired Persons (AARP).

**RESPONSE:** *The Coalition is working with DEAS on a brochure about elder abuse and will join together for the widest distribution possible.*

- (8) A brochure on domestic violence should be prepared for elderly citizens. This would be similar to the dating violence brochure for teenagers. It would identify common questions, perceptions and attitudes that would help a victim understand whether domestic violence is occurring. It would also educate the victim about available community resources.

**RESPONSE:** *DEAS is working with the Coalition to identify existing materials and thereby highlight the informational needs. The creation of a new brochure directed towards an elderly audience is being investigated.*

**2003 STATUS FOR BOTH RECOMMENDATIONS:** It was determined that there was not a current need to design a new brochure about elder abuse as the Coalition revised its current Elder Abuse brochure to include DEAS requested changes. This will remain an option, however, for the future.

### **NEW HAMPSHIRE BAR ASSOCIATION**

- (1) The New Hampshire Bar Association should be encouraged to disseminate information to all attorneys regarding domestic violence resources and services available to clients whose lives may be impacted by domestic violence. This can be accomplished by use of the Bar Association web site, the New Hampshire Bar News and possibly through a mailing to lawyers outlining services available to clients throughout the State.

**Comment:** Lawyers may represent clients whose lives are impacted by domestic violence. It may be appropriate for lawyers to provide those clients with information about available community resources. It is recognized that many lawyers are not aware of services in their own communities. Therefore, the New Hampshire Bar Association should be encouraged to disseminate information to all attorneys regarding resources and services available to those involved with domestic violence. This can be accomplished by use of the Bar

Association web site, the New Hampshire Bar News and possibly through a mailing to lawyers outlining services available to clients throughout the State.

## **2003 STATUS**

### **Protocols**

The Bar Association considered the proposal regarding the adoption of domestic violence protocols in 1999. The Bar reviewed the proposed protocols at several levels, including at sub-committee levels such as the Ethics Committee and a special sub-committee involving family law practitioners and members of the protocol drafting committee. As a result of these efforts, the Bar's Board of Governors voted to form a special sub-committee to work with the Governor's Commission to re-draft the protocols. Evidently, these discussions never took place.

At the request of the Fatality Review Committee, the New Hampshire Bar Association's Board of Governor's voted at their March 20, 2003 meeting to reconstitute a sub-committee of the Bar Association, assigning the sub-committee the specific task of working with the Protocol Committee of the Governor's Commission on Domestic & Sexual Violence on protocols for the legal profession.

### **The DOVE Program**

The New Hampshire Bar Foundation, the charitable affiliate of the Bar Association, administers the DOVE program. The DOVE program provides expedited, free legal representation to qualifying low income clients at final domestic violence hearings under RSA 173-B. The DOVE Project targets cases in which the batterer has exhibited violence toward the victim and one or more of the following factors exists: the victim is facing criminal or civil charges arising out of the abuse, custody or visitation is a significant issue, the batterer is represented by counsel, or the victim has a developmental disability or mental illness that interferes with *pro se* representation.

Virginia Martin, who oversees the DOVE Program, says that in addition to operating this vital program for the victims of domestic violence, the DOVE Program and the Bar Association are taking the following steps in the coming year to support their work helping victims:

- The project sends electronic mail bulletins to association members, and can include resources in these bulletins regarding domestic



- violence protection resources.
- The Foundation can publish additional Bar News articles addressing resources available for clients who are victims of domestic violence. The Bar is already publishing a series of articles this year dealing with education and recruitment for the DOVE program.
- The Bar Association employs specially trained staff members who respond to inquiries from bar members and the public regarding domestic violence issues.
- The Bar Association publishes annual resource articles in Bar News.

### **Checklists**

The Bar may be willing to distribute a domestic violence checklist to help practitioners review court orders and consequences of breaches of court orders in domestic violence matters with clients. There should be discussion, however, as to who would be the appropriate group to create such a list.

### **Web Links**

The Bar is considering a proposal to provide a link from the Bar Association's website to one operated by the American Bar Association's Commission on Domestic Violence. The Commission produced and maintains a brochure, available on the web, intended to provide practitioners guidance with respect to representing clients who face domestic violence issues. The American Bar Association has approved a request to provide this link to the New Hampshire Bar Association's website. A copy of the ABA's brochures is available from the Fatality Review Committee.

## **XII. CONCLUSION**

The New Hampshire Domestic Violence Fatality Review Committee may not be the solution to preventing domestic violence but is one very important resource. The work of the Committee over the past four years represents one more significant effort to bring multiple community organizations together to prevent unnecessary fatalities and to promote

safety for all New Hampshire citizens. The Committee stands for the proposition that domestic violence is a community problem which requires multi-disciplinary community intervention.

The Committee continues to be gratified by the reception to the recommendations contained in the reports. Many organizations and individuals have taken great strides to improve our collective, systemic response to domestic violence. The Committee hopes that the recommendations contained in this report will likewise have a positive impact on the safety and well-being of all our citizens.

**STATE OF NEW HAMPSHIRE  
CONCORD, NEW HAMPSHIRE 03301**

**EXECUTIVE ORDER #99-**

**An order establishing a New Hampshire Domestic Violence Fatality Review Committee  
under the Governor's Commission on Domestic and Sexual Violence**

WHEREAS, as Governor I have expressed special interest in improving services to victims of domestic violence; and

WHEREAS, the Commission on Domestic and Sexual Violence has recommended that efforts be made to address the issue of domestic violence-related fatalities; and

WHEREAS, the formation of a standing team composed of representatives of state agencies and relevant professional fields of practice will establish a useful repository of knowledge regarding domestic violence-related deaths; and

WHEREAS, in order to ensure that New Hampshire can provide a continuing response to domestic violence fatalities, the Fatality Review Committee must receive access to all existing records on each domestic violence-related fatality. The records may include social service reports, court documents, police records, medical examiner and autopsy reports, mental health records, domestic violence shelter and intervention resources, hospital and medical-related data, and any other information that may have a bearing on the victim, family and perpetrator; and

WHEREAS, the comprehensive review of such domestic violence-related fatalities by a New Hampshire Domestic Violence Fatality Review Committee will result in recommendations for intervention and prevention strategies with a goal of improving victim safety; and

WHEREAS, the New Hampshire Domestic Violence Fatality Review Committee represents an additional aspect of our effort to provide comprehensive services for victims of domestic violence throughout the State of New Hampshire;

NOW, THEREFORE, I, Jeanne Shaheen, Governor of the State of New Hampshire, do hereby establish a multi-disciplinary Domestic Violence Fatality Review Committee. The objectives of this committee shall be:

1. To describe trends and patterns of domestic violence-related fatalities in New Hampshire.
2. To identify high risk factors, current practices, gaps in systemic responses, and barriers to safety in domestic violence situations.
3. To educate the public, policy makers and funders about fatalities due to domestic violence and about strategies for intervention.
4. To recommend policies, practices and services that will encourage collaboration and reduce fatalities due to domestic violence.
5. To improve the sources of domestic violence data collection by developing systems to share information between agencies and offices that work with domestic violence victims.
6. To more effectively facilitate the prevention of domestic violence fatalities through multi-disciplinary collaboration.

Given under my hand and seal at the Executive Chambers  
in Concord, this \_\_\_\_ day of \_\_\_\_\_ in the year of our  
Lord, one thousand nine hundred and ninety-nine.

Jeanne Shaheen  
Governor of New Hampshire

## **APPENDIX B**

### **NEW HAMPSHIRE GOVERNOR'S COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE**

#### **DOMESTIC VIOLENCE FATALITY REVIEW COMMITTEE**

##### **CONFIDENTIALITY AGREEMENT FOR THE NEW HAMPSHIRE DOMESTIC VIOLENCE FATALITY REVIEW COMMITTEE**

The purpose of the New Hampshire Domestic Violence Fatality Review Committee is to conduct a full examination of domestic violence fatalities. To ensure a coordinated response that fully addresses all systemic concerns surrounding domestic violence fatalities, the New Hampshire Domestic Violence Fatality Review Committee must have access to all existing records on each case. This includes, but is not limited to, social service reports, court documents, police records, medical examiner and autopsy records, mental health records, domestic violence shelter and intervention resources, hospital and medical related data, and any other information that may have a bearing on the involved victim, family and perpetrator.

With this purpose in mind, I, the undersigned, as a representative of \_\_\_\_\_ agree that all information secured in this review will remain confidential and will not be used for reasons other than those which were intended by the creation of this Committee. No material will be taken from the meeting with case identifying information.

Print Name \_\_\_\_\_

Authorized Signature \_\_\_\_\_

Witness \_\_\_\_\_

Date \_\_\_\_\_

# **NEW HAMPSHIRE GOVERNOR'S COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE**

## **DOMESTIC VIOLENCE FATALITY REVIEW COMMITTEE**

### **PROTOCOL**

1. The Fatality Review Team will operate under the auspices of the Governor's Commission on Domestic and Sexual Violence.
2. The Committee will review all deaths of domestic violence victims in New Hampshire from 1990 forward.
3. Domestic violence victims will be identified as guided by the relationship criteria specified under New Hampshire RSA 173-B.
4. Comprehensive, multi-disciplinary review of any specific cases can be initiated by any member of the New Hampshire Fatality Review Team or any individual or agency request presented to a member of the team.
5. An executive committee of the Fatality Review Team shall screen cases to be submitted for full case review. This committee shall coordinate invitations to participate in the review, and shall request that all relevant case materials be accumulated by the committee or other designated members of the Fatality Review Team for distribution.
6. The Fatality Review Team will convene as needed, with the expectation that it shall meet bi-monthly.
7. Each team member shall serve a minimum two year term. The member shall select an alternate member from their discipline and will ensure that the member or the alternate will be present at every meeting of the Fatality Review Team.
8. All team members, including alternates, shall be required to sign a Confidentiality Agreement. Furthermore, Confidentiality Agreements will be required of any individual(s) participating in any domestic violence fatality review.
9. The team will provide periodic reports of its findings and recommendations to the Governor and other relevant agencies and individuals.

10. The following agencies and offices shall be represented on the Fatality Review Team: corrections; law enforcement; judiciary; clergy; mental health (administration and practitioner); medical examiner; ER services; education; prosecution; victim services; drug/alcohol; EAP; DCYF; DOVE; and others as needed.